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5 *Attorney(s) for Plaintiff Battery Conservation Innovations, LLC*

7 **IN THE UNITED STATES DISTRICT COURT**  
8 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

9 BATTERY CONSERVATION  
10 INNOVATIONS, LLC,  
11 *Plaintiff,*

CASE NO.: 2:21-cv-03685

**JURY TRIAL DEMANDED**

12 v.

13 ROSEWILL, INC.,  
14 *Defendant.*

16 **COMPLAINT**

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18  
19 Plaintiff Battery Conservation Innovations, Inc. (“Plaintiff” or “BCI”) files this  
20 complaint against Rosewill, Inc. (“Defendant” or “Rosewill”) for infringement of U.S.  
21 Patent No. 9,239,158 (hereinafter the “158 Patent”) and alleges as follows:

22 **PARTIES**

- 23 1. Plaintiff is a Texas limited liability company with an office address of 1 East  
24 Broward Boulevard, Suite 700, Ft. Lauderdale, FL 33301.  
25 2. On information and belief, Defendant is a Delaware corporation with its principal  
26 office at 17560 Rowland Street, City of Industry, CA 91748. On information and  
27 belief, Defendant may be served through its agent, Corporation Service Company, 251  
28 Little Falls Drive, Wilmington, DE 19808.

1 **JURISDICTION AND VENUE**

2 3. This action arises under the patent laws of the United States, 35 U.S.C. § 271 et  
3 seq. Plaintiff is seeking damages, as well as attorney fees and costs.

4 4. Jurisdiction is proper in this Court pursuant to 28 U.S.C. §§ 1331 (Federal  
5 Question) and 1338(a) (Patents).

6 5. On information and belief, this Court has personal jurisdiction over Defendant  
7 because Defendant has committed, and continues to commit, acts of infringement in  
8 this District, has conducted business in this District, and/or has engaged in continuous  
9 and systematic activities in this District.

10 6. Upon information and belief, Defendant’s instrumentalities that are alleged  
11 herein to infringe were and continue to be used, imported, offered for sale, and/or sold  
12 in the District.

13 7. Venue is proper in this District under 28 U.S.C. §1400(b) because Defendant is  
14 deemed to be a resident in this District. Alternatively, acts of infringement are occurring  
15 in this District and Defendant has a regular and established place of business in this  
16 District.

17 **BACKGROUND**

18 8. On January 19, 2016, the United States Patent and Trademark Office (“USPTO”)  
19 duly and legally issued the `158 Patent, entitled “Battery-Conserving Flashlight and  
20 Method Thereof.” The `158 Patent is attached as Exhibit A.

21 9. Plaintiff is currently the owner of the `158 Patent.

22 10. Plaintiff possesses all rights of recovery under the `158 Patent, including the  
23 exclusive right to recover for past, present and future infringement.

24 **COUNT ONE**

25 **(Infringement of United States Patent No. 9,239,158)**

26 11. Plaintiff refers to and incorporates the allegations in Paragraphs 1 - 10, the same  
27 as if set forth herein.

28 12. This cause of action arises under the patent laws of the United States and, in

1 particular under 35 U.S.C. §§ 271, *et seq.*

2 13. Defendant has knowledge of its infringement of the `158 Patent, at least as of the  
3 service of the present complaint.

4 14. Upon information and belief, Defendant has infringed and continues to infringe  
5 one or more claims, including at least Claim 15, of the ‘158 Patent by making, using,  
6 importing, selling, and/or offering for sale battery conserving electronic devices  
7 covered by one or more claims of the ‘158 Patent.

8 15. Accordingly, Defendant has infringed, and continues to infringe, the `158 Patent  
9 in violation of 35 U.S.C. § 271.

10 16. Defendant sells, offers to sell, and/or uses battery conserving electronic devices,  
11 including, without limitation, the RWM Series Wireless Mouse, and any similar  
12 products (“Product”), which infringe at least Claim 15 of the ‘158 Patent.

13 17. The Product is a battery-conserving electronic device. For example, the Product  
14 is powered through a replaceable battery. The Product includes motion sensing  
15 capabilities wherein the Product may automatically switch to sleep mode when no  
16 movement is detected. Certain aspects of this element are illustrated in the screenshot(s)  
17 below and/or in those provided in connection with other allegations herein.

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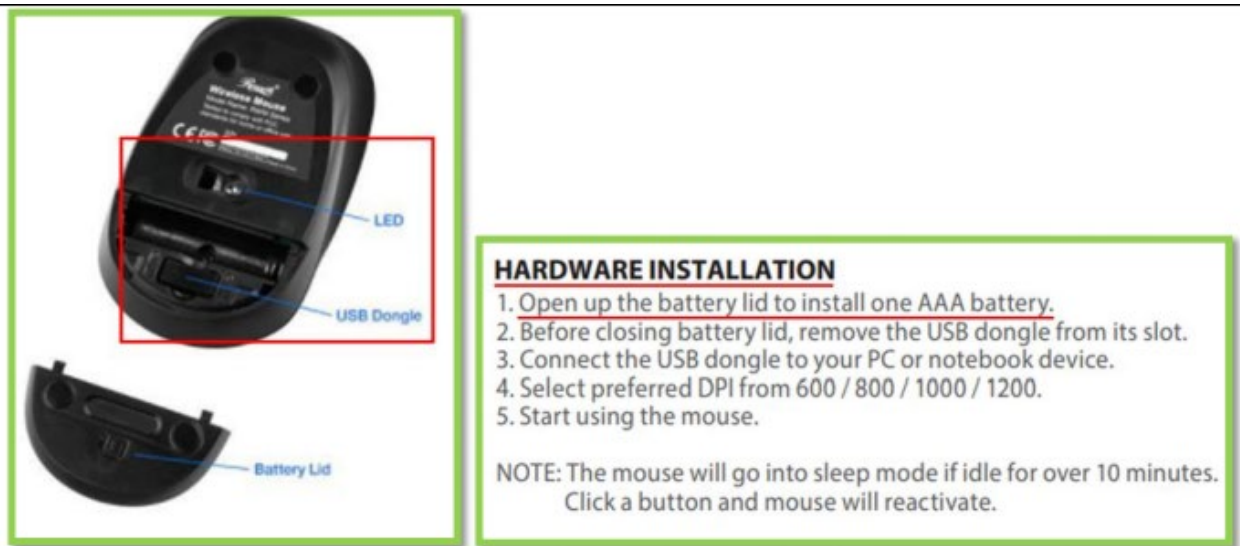
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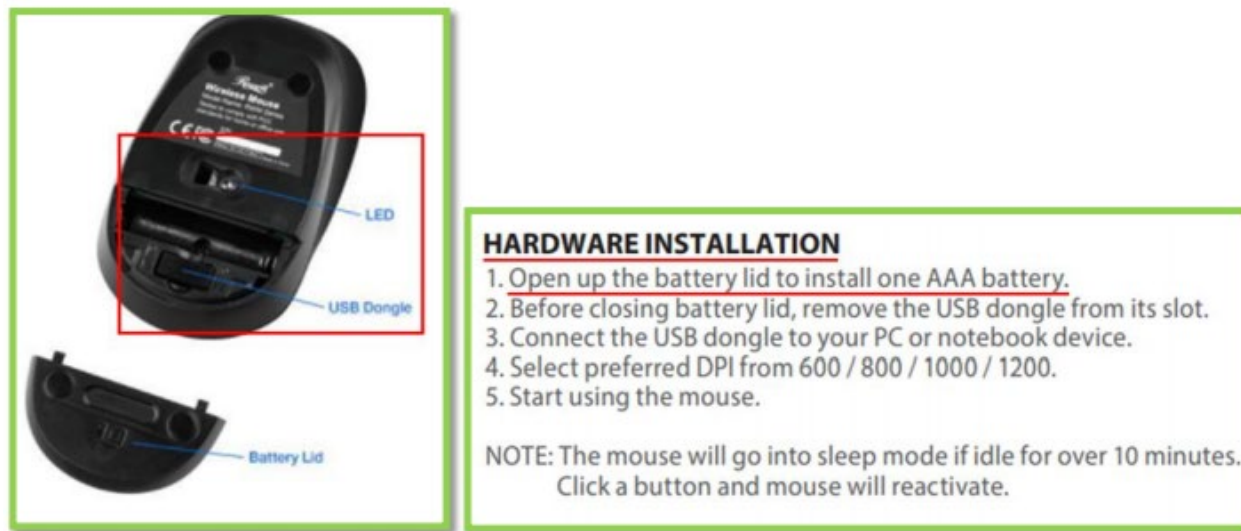
18. The Product includes a body with an opening for accessing an interior of the body. For example, the Product includes a housing, which may be accessed by a user, and which houses a battery. Certain aspects of these elements are illustrated in the screen shots below and/or in screenshots provided in connection with other allegations herein.



1 Source: [https://www.rosewill.com/download/rwm-wireless-mouse-series a- usermanual-  
pdf/?wpdmdl=42789&refresh=606594f5214471617270005](https://www.rosewill.com/download/rwm-wireless-mouse-series-a-usermanual-pdf/?wpdmdl=42789&refresh=606594f5214471617270005)

2 Source: <https://www.newegg.com/rosewill-rwm-001/p/N82E16826193129>

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4 19. The Product has at least one replaceable battery disposed in the body and  
5 configured for powering the device. Certain aspects of these elements are illustrated in  
6 the screen shots below and/or in screenshots provided in connection with other  
7 allegations herein.  
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22 20. The Product includes a controller (e.g., processor responsive to motion sensors)  
23 disposed in the body configured to determine if the body is in motion (e.g., motion  
24 sensors detect motion of device; when motion is absent, device can switch to sleep  
25 mode). If the device is not in motion for a first predetermined period of time, the  
26 controller decouples the at least one battery from the electronic device to conserve  
27 energy in the at least one battery. For example, the Product is able to switch to a sleep  
28

1 mode in which a controller controls the activity monitoring for the Product to save  
2 battery life of the mouse. Certain aspects of these elements are illustrated in the screen  
3 shots below and/or in screenshots provided in connection with other allegations herein.

#### **HARDWARE INSTALLATION**

- 1 1. Open up the battery lid to install one AAA battery.
- 2 2. Before closing battery lid, remove the USB dongle from its slot.
- 3 3. Connect the USB dongle to your PC or notebook device.
- 4 4. Select preferred DPI from 600 / 800 / 1000 / 1200.
- 5 5. Start using the mouse.

6 NOTE: The mouse will go into sleep mode if idle for over 10 minutes.  
7 Click a button and mouse will reactivate.

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12 Source: [https://www.rosewill.com/download/rwm-wireless-mouse-series-a-usermanual-  
13 pdf/?wpdmdl=42789&refresh=606594f5214471617270005](https://www.rosewill.com/download/rwm-wireless-mouse-series-a-usermanual-pdf/?wpdmdl=42789&refresh=606594f5214471617270005)

14 21. The Product has a visual indicator (e.g., LED status indicator) disposed on an  
15 exterior surface of the body. The indicator may function differently for different  
16 situations, implying a controller activates the visual indicator. Certain aspects of these  
17 elements are illustrated in the screen shots below and/or in screenshots provided in  
18 connection with other allegations herein.

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13 Source: <https://www.newegg.com/rosewill-rwm-001/p/N82E16826193129>

14  
15 22. Defendant's actions complained of herein will continue unless Defendant is  
16 enjoined by this Court.

17 23. Defendant's actions complained of herein is causing irreparable harm and  
18 monetary damage to Plaintiff and will continue to do so unless and until Defendant is  
19 enjoined and restrained by this Court.

20 24. The `158 Patent is valid, enforceable, and was duly issued in full compliance  
21 with Title 35 of the United States Code.

22 25. By engaging in the conduct described herein, Defendant has injured Plaintiff and  
23 is thus liable for infringement of the `158 Patent, pursuant to 35 U.S.C. § 271.

24 26. Defendant has committed these acts of literal infringement, or infringement  
25 under the doctrine of equivalents of the `158 Patent, without license or authorization.

26 27. As a result of Defendant's infringement of the `158 Patent, Plaintiff has suffered  
27 monetary damages and is entitled to a monetary judgment in an amount adequate to  
28 compensate for Defendant's past infringement, together with interests and costs.

1 28. Plaintiff is in compliance with 35 U.S.C. § 287.

2 29. As such, Plaintiff is entitled to compensation for any continuing and/or future  
3 infringement of the '158 Patent up until the date that Defendant ceases its infringing  
4 activities.

5 **DEMAND FOR JURY TRIAL**

6 30. Plaintiff, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial  
7 by jury of any issues so triable by right.

8 **PRAYER FOR RELIEF**

9 WHEREFORE, Plaintiff asks the Court to:

10 (a) Enter judgment for Plaintiff on this Complaint on all cases of action asserted  
11 herein;

12 (b) Enter an Order enjoining Defendant, its agents, officers, servants, employees,  
13 attorneys, and all persons in active concert or participation with Defendant who  
14 receives notice of the order from further infringement of United States Patent No.  
15 9,239,158 (or, in the alternative, awarding Plaintiff running royalty from the time  
16 judgment going forward);

17 (c) Award Plaintiff damages resulting from Defendant's infringement in accordance  
18 with 35 U.S.C. § 284;

19 (d) Award Plaintiff such further relief to which the Court finds Plaintiff entitled under  
20 law or equity.

21  
22 Dated: April 30, 2021

Respectfully submitted,

23  
24 /s/ Stephen M. Lobbin  
25 **Attorney(s) for Plaintiff Battery**  
26 **Conservation Innovations, LLC**  
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